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10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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13 GIL CROSTHWAITE, et al., as Trustees of the  
OPERATING ENGINEERS HEALTH AND  
14 WELFARE TRUST FUND FOR NORTHERN  
CALIFORNIA, et al.,

15 Plaintiffs,

16 v.

17 KICKIN ENTERPRISES, INC., and STEVE  
18 LAWRENCE SCHALLER,

19 Defendants.  
20  
21

Case No.: 07-6460 WHA

**REQUEST FOR CONTINUANCE OF  
CASE MANAGEMENT CONFERENCE  
AND ORDER THEREON**

Date: April 3, 2008

Time: 11:00 a.m.

Location: 450 Golden Gate Avenue,  
San Francisco, California

Courtroom: 9, 19<sup>th</sup> Floor

22 Plaintiffs herein respectfully request a Continuance of the Case Management Conference  
23 currently on calendar for April 3, 2008.  
24

25 1. The parties herein are in the process of finalizing a Stipulation for Entry of  
26 Judgment establishing a payment plan for all amounts owed by defendant to date, thereby  
27 resolving the matter.  
28

2. Defendants have reviewed the Stipulation and have advised that they will execute the Stipulation today and provide the payments now due.

3. Upon receipt of the finalized Stipulation, plaintiffs will dismiss this action without prejudice, with the court to retain jurisdiction in the event of defendants' default.

4. Plaintiffs therefore respectfully request that the Case Management Conference, currently scheduled for April 3, 2008, be continued for approximately 60 days to allow the Stipulation to be signed, certain revisions to be made, and thereby bring this matter to resolution.

5. It is furthermore requested that all previously set deadlines and dates related to this case be continued as well.

I declare under penalty of perjury that I am the attorney for the plaintiffs in the above entitled action, and that the foregoing is true of my own knowledge.

Executed this 2<sup>nd</sup> day of April, 2008, at San Francisco, California.

SALTZMAN & JOHNSON LAW CORPORATION

By: \_\_\_\_\_/s/\_\_\_\_\_  
Muriel B. Kaplan  
Attorneys for Plaintiffs

IT IS SO ORDERED.

The currently set Case Management Conference is hereby continued to \_\_\_\_\_ at \_\_\_\_\_, and all previously set deadlines and dates related to this case are vacated, to be reset at that Conference.

Date: \_\_\_\_\_  
United States District Court Judge

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 120 Howard Street, Suite 520, San Francisco, California 94105.

On April 2, 2008, I served the following document:

**REQUEST FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE  
AND ORDER THEREON**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows; and by Facsimile by causing said document to be transmitted by Facsimile machine to the numbers indicated after the addresses set forth below.:

**Steve L. Schaller  
Agent for Service of Process  
Kickin Enterprises, Inc.  
8865 Airport Blvd., Suite D  
Redding, California 96002**

**Steve L. Schaller  
8865 Airport Blvd., Suite D  
Redding, California 96002**

**Fax: 530-221-0990**

**Fax: 530-221-0990**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 2<sup>nd</sup> day of April, 2008, at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Vanessa de Fábrega